

Kilroy	Murphy, Patrick	Schwartz
Kind	Nadler (NY)	Scott (GA)
Kissell	Napolitano	Scott (VA)
Klein (FL)	Neal (MA)	Serrano
Kosmas	Nye	Sestak
Kucinich	Oberstar	Shea-Porter
Langevin	Obey	Sherman
Larsen (WA)	Oliver	Sires
Larson (CT)	Ortiz	Skelton
Lee (CA)	Owens	Slaughter
Levin	Pascrell	Smith (WA)
Lewis (GA)	Pastor (AZ)	Snyder
Lipinski	Payne	Speier
Loeb sack	Perlmutt er	Spratt
Lofgren, Zoe	Perriello	Stark
Lowey	Peters	Stupak
Luján	Peterson	Sutton
Lynch	Pingree (ME)	Tanner
Maffei	Polis (CO)	Teague
Maloney	Pomeroy	Thompson (CA)
Markey (CO)	Price (NC)	Thompson (MS)
Markey (MA)	Quigley	Tierney
Marshall	Rahall	Titus
Matheson	Rangel	Tonko
Matsui	Reyes	Towns
McCarthy (NY)	Richardson	Tsongas
McCollum	Rodriguez	Van Hollen
McDermott	Ross	Velázquez
McGovern	Rothman (NJ)	Visclosky
McMahon	Roybal-Allard	Walz
McNerney	Ruppersberger	Wasserman
Meek (FL)	Rush	Schultz
Meeks (NY)	Ryan (OH)	Waters
Michaud	Salazar	Watson
Miller (NC)	Sánchez, Linda	Watt
Miller, George	T.	Waxman
Minnick	Sanchez, Loretta	Weiner
Mollohan	Sarbanes	Welch
Moore (KS)	Schakowsky	Wilson (OH)
Moore (WI)	Schauer	Woolsey
Moran (VA)	Schiff	Wu
Murphy (CT)	Schrader	Yarmuth

## NAYS—186

Aderholt	Flake	Mack
Akin	Fleming	Manzullo
Alexander	Forbes	Marchant
Austria	Fortenberry	McCarthy (CA)
Bachmann	Fox	McCaul
Bachus	Franks (AZ)	McClintock
Bartlett	Frelinghuysen	McCotter
Barton (TX)	Granger	McHenry
Bean	Graves (GA)	McIntyre
Biggert	Graves (MO)	McKeon
Bilbray	Griffith	McMorris
Bilirakis	Guthrie	Rodgers
Bishop (UT)	Hall (TX)	Melancon
Blackburn	Halvorson	Mica
Blunt	Harper	Miller (MI)
Boehner	Hastings (WA)	Miller, Gary
Bonner	Heller	Mitchell
Bono Mack	Hensarling	Moran (KS)
Boozman	Herger	Murphy (NY)
Boustany	Herse th Sandlin	Murphy, Tim
Boyd	Hill	Neugebauer
Brady (TX)	Hunter	Nunes
Bright	Issa	Olson
Brown (GA)	Jenkins	Paul
Buchanan	Johnson (IL)	Paulsen
Burgess	Johnson, Sam	Pence
Burton (IN)	Jones	Peterson
Calvert	Jordan (OH)	Petri
Camp	King (IA)	Pitts
Campbell	King (NY)	Platts
Cao	Kingston	Poe (TX)
Capito	Kirk	Pos
Cardoza	Kirkpatrick (AZ)	Price (GA)
Carter	Kline (MN)	Putnam
Cassidy	Kratovil	Radanovich
Castle	Lamborn	Rehberg
Chaffetz	Lance	Roe (TN)
Childers	Latham	Rogers (AL)
Coble	LaTourette	Rogers (KY)
Coffman (CO)	Latta	Rogers (MI)
Cole	Lee (NY)	Rohrabacher
Conaway	Lewis (CA)	Rooney
Costa	Linder	Roskam
Crenshaw	LoBiondo	Royce
Culberson	Lucas	Ryan (WI)
Dahlkemper	Luetkemeyer	Scalise
Davis (KY)	Lummis	Schmidt
Dent	Lungren, Daniel	Schock
Diaz-Balart, L.	E.	Sensenbrenner
Diaz-Balart, M.		Sessions
Djou		
Dreier		
Duncan		
Ehlers		
Emerson		

Simpson	Terry	Westmoreland
Smith (NE)	Thompson (PA)	Whitfield
Smith (NJ)	Thornberry	Wilson (SC)
Smith (TX)	Tiahrt	Wittman
Space	Tiberi	Wolf
Stearns	Turner	Young (AK)
Sullivan	Upton	Young (FL)
Taylor	Walden	

## NOT VOTING—18

Barrett (SC)	Davis (IL)	Inglis
Brown (SC)	Deutch	Miller (FL)
Brown, Corrine	Fallin	Myrick
Brown-Waite,	Gohmert	Pallone
Ginny	Hodes	Wamp
Buyer	Hoekstra	
Cantor	Honda	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1536

Mr. MCINTYRE changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WORK-LIFE BALANCE AWARD ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4855) to establish the Work-Life Balance Award for employers that have developed and implemented work-life balance policies, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 163, not voting 20, as follows:

[Roll No. 360]

## YEAS—249

Ackerman	Chandler	Ellison
Altmire	Chu	Ellsworth
Andrews	Clarke	Engel
Baca	Clay	Eshoo
Baird	Cleaver	Etheridge
Baldwin	Clyburn	Farr
Barrow	Cohen	Fattah
Bean	Connolly (VA)	Filner
Becerra	Conyers	Foster
Berkley	Cooper	Frank (MA)
Berman	Costello	Frelinghuysen
Berry	Courtney	Fudge
Bishop (GA)	Critz	Galle
Bishop (NY)	Crowley	Garamendi
Blumenauer	Cuellar	Giffords
Boccieri	Cummings	Gonzalez
Bono Mack	Dahlkemper	Gordon (TN)
Boswell	Davis (AL)	Grayson
Boucher	Davis (CA)	Green, Al
Boyd	Davis (TN)	Green, Gene
Brady (PA)	DeFazio	Grijalva
Braley (IA)	DeGette	Gutierrez
Bright	Delahunt	Hall (NY)
Buchanan	DeLauro	Halvorson
Butterfield	Dent	Hare
Cao	Dicks	Harman
Capito	Dingell	Hastings (FL)
Capps	Djou	Heinrich
Capuano	Dongett	Herse th Sandlin
Carnahan	Donnelly (IN)	Higgins
Carney	Doyle	Hinchey
Carson (IN)	Driehaus	Hinojosa
Cassidy	Edwards (MD)	Hirono
Castle	Edwards (TX)	Holden

Holt	McMorris	Sanchez, Loretta
Hoyer	Rodgers	Sarbanes
Inslee	McNerney	Schakowsky
Israel	Meek (FL)	Schauer
Jackson (IL)	Meeks (NY)	Schiff
Jackson Lee	Michaud	Schrader
(TX)	Miller (NC)	Schwartz
Johnson (GA)	Miller, George	Scott (GA)
Johnson (IL)	Minnick	Scott (VA)
Johnson, E. B.	Mitchell	Serrano
Jones	Mollohan	Sestak
Kagen	Moore (KS)	Shea-Porter
Kanjorski	Moore (WI)	Sherman
Kaptur	Moran (VA)	Sires
Kennedy	Murphy (CT)	Skelton
Kildee	Murphy (NY)	Slaughter
Kilpatrick (MI)	Murphy, Patrick	Smith (WA)
Kilroy	Nadler (NY)	Snyder
Kind	Napolitano	Space
Kirk	Neal (MA)	Speier
Kirkpatrick (AZ)	Nye	Spratt
Kissell	Oberstar	Stark
Klein (FL)	Obey	Stupak
Kosmas	Olver	Sutton
Kratovil	Ortiz	Teague
Kucinich	Pascrell	Thompson (CA)
Langevin	Pastor (AZ)	Thompson (MS)
Larsen (WA)	Payne	Tierney
Larson (CT)	Perlmutt er	Titus
Lee (CA)	Perriello	Tonko
Levin	Peters	Towns
Lewis (GA)	Pingree (ME)	Tsongas
Lipinski	Polis (CO)	Van Hollen
Loeb sack	Pomeroy	Velázquez
Lofgren, Zoe	Price (NC)	Visclosky
Lowey	Quigley	Walz
Luján	Rangel	Wasserman
Lummis	Reichert	Schultz
Lynch	Reyes	Waters
Maloney	Richardson	Watson
Markey (CO)	Rodriguez	Watt
Markey (MA)	Ros-Lehtinen	Waxman
Marshall	Ross	Weiner
Matheson	Rothman (NJ)	Welch
Matsui	Roybal-Allard	Wilson (OH)
McCarthy (NY)	Ruppersberger	Woolsey
McCollum	Rush	Wu
McDermott	Ryan (OH)	Yarmuth
McGovern	Salazar	Young (AK)
McHenry	Sánchez, Linda	
McMahon	T.	

## NAYS—163

Aderholt	Flake	Maffei
Adler (NJ)	Fleming	Manzullo
Akin	Forbes	Marchant
Alexander	Fortenberry	McCarthy (CA)
Arcuri	Fox	McCaul
Austria	Franks (AZ)	McClintock
Bachmann	Garrett (NJ)	McCotter
Bachus	Gerlach	McIntyre
Bartlett	Gingrey (GA)	McKeon
Barton (TX)	Goodlatte	Melancon
Biggert	Granger	Mica
Bilbray	Graves (GA)	Miller (MI)
Bilirakis	Graves (MO)	Miller, Gary
Bishop (UT)	Griffith	Moran (KS)
Blackburn	Guthrie	Murphy, Tim
Blunt	Hall (TX)	Neugebauer
Boehner	Harper	Nunes
Bonner	Hastings (WA)	Olson
Boozman	Heller	Owens
Boren	Hensarling	Paul
Boustany	Herger	Paulsen
Brady (TX)	Hill	Pence
Brown (GA)	Himes	Peterson
Burgess	Hunter	Petri
Burton (IN)	Issa	Pitts
Calvert	Jenkins	Platts
Camp	Johnson, Sam	Poe (TX)
Campbell	Jordan (OH)	Pos
Cardoza	King (IA)	Price (GA)
Carter	King (NY)	Putnam
Chaffetz	Kingston	Radanovich
Childers	Kline (MN)	Rehberg
Coble	Lamborn	Roe (TN)
Coffman (CO)	Lance	Rogers (AL)
Cole	Latham	Rogers (KY)
Conaway	LaTourette	Rogers (MI)
Crenshaw	Latta	Rohrabacher
Culberson	Lee (NY)	Rooney
Davis (KY)	Lewis (CA)	Roskam
Dreier	Linder	Royce
Duncan	LoBiondo	Ryan (WI)
Ehlers	Lucas	Scalise
Emerson	Luetkemeyer	Schmidt
	Lungren, Daniel	Schock
	E.	Sensenbrenner
	Mack	Sessions

Shadegg	Sullivan	Upton
Shimkus	Tanner	Walden
Shuler	Taylor	Westmoreland
Shuster	Terry	Whitfield
Simpson	Thompson (PA)	Wilson (SC)
Smith (NE)	Thornberry	Wittman
Smith (NJ)	Tiahrt	Wolf
Smith (TX)	Tiberi	Young (FL)
Stearns	Turner	

## NOT VOTING—20

Barrett (SC)	Castor (FL)	Honda
Brown (SC)	Davis (IL)	Inglis
Brown, Corrine	Deutch	Miller (FL)
Brown-Waite,	Fallin	Myrick
Ginny	Gohmert	Pallone
Buyer	Hodes	Rahall
Cantor	Hoekstra	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute remaining.

□ 1544

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1545

### SMALL BUSINESS JOBS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to H. Res. 1436, I call up the bill (H.R. 5486) to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1436, the bill is considered read.

The text of the bill is as follows:

H.R. 5486

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE V—TAX PROVISIONS

##### SEC. 500. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the “Small Business Jobs Tax Relief Act of 2010”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 500. Short title; etc.

Subtitle A—Small Business Tax Incentives  
PART 1—GENERAL PROVISIONS

Sec. 501. Temporary exclusion of 100 percent of gain on certain small business stock.

PART 2—LIMITATIONS AND REPORTING ON CERTAIN PENALTIES

Sec. 511. Limitation on penalty for failure to disclose certain information.

Sec. 512. Annual reports on penalties and certain other enforcement actions.

PART 3—OTHER PROVISIONS

Sec. 521. Increase in amount allowed as deduction for start-up expenditures.

Sec. 522. Nonrecourse small business investment company loans from the Small Business Administration treated as amounts at risk.

Sec. 523. Benefits under the Small Business Borrower Assistance Program excluded from gross income.

#### Subtitle B—Revenue Provisions

Sec. 531. Required minimum 10-year term, etc., for grantor retained annuity trusts.

Sec. 532. Crude tall oil ineligible for cellulosic biofuel producer credit.

Sec. 533. Time for payment of corporate estimated taxes.

#### Subtitle A—Small Business Tax Incentives

##### PART 1—GENERAL PROVISIONS

##### SEC. 501. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended by adding at the end the following new paragraph:

“(4) SPECIAL 100 PERCENT EXCLUSION.—In the case of qualified small business stock acquired after March 15, 2010, and before January 1, 2012—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’.

“(B) paragraph (2) shall not apply, and

“(C) paragraph (7) of section 57(a) shall not apply.”.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 1202(a) is amended—

(1) by striking “after the date of the enactment of this paragraph and before January 1, 2011” and inserting “after February 17, 2009, and before March 16, 2010”; and

(2) by striking “SPECIAL RULES FOR 2009 AND 2010” in the heading and inserting “SPECIAL 75 PERCENT EXCLUSION”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after March 15, 2010.

##### PART 2—LIMITATIONS AND REPORTING ON CERTAIN PENALTIES

##### SEC. 511. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE CERTAIN INFORMATION.

(a) IN GENERAL.—Subsection (b) of section 6707A is amended to read as follows:

“(b) AMOUNT OF PENALTY.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

“(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction for any taxable year shall not exceed—

“(A) in the case of a listed transaction, \$200,000 (\$100,000 in the case of a natural person), or

“(B) in the case of any other reportable transaction, \$50,000 (\$10,000 in the case of a natural person).

“(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction for any taxable year shall not be less than \$10,000 (\$5,000 in the case of a natural person).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

##### SEC. 512. ANNUAL REPORTS ON PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year

under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

#### PART 3—OTHER PROVISIONS

##### SEC. 521. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Subsection (b) of section 195 is amended by adding at the end the following new paragraph:

“(3) INCREASED LIMITATION FOR TAXABLE YEARS BEGINNING IN 2010 OR 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1)(A)(ii) shall be applied—

“(A) by substituting ‘\$20,000’ for ‘\$5,000’, and

“(B) by substituting ‘\$75,000’ for ‘\$50,000’.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

##### SEC. 522. NONRECOURSE SMALL BUSINESS INVESTMENT COMPANY LOANS FROM THE SMALL BUSINESS ADMINISTRATION TREATED AS AMOUNTS AT RISK.

(a) IN GENERAL.—Subparagraph (B) of section 465(b)(6) is amended to read as follows:

“(B) QUALIFIED NONRECOURSE FINANCING.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified nonrecourse financing’ means any financing—

“(I) which is qualified real property financing or qualified SBIC financing,

“(II) except to the extent provided in regulations, with respect to which no person is personally liable for repayment, and

“(III) which is not convertible debt.

“(ii) QUALIFIED REAL PROPERTY FINANCING.—The term ‘qualified real property financing’ means any financing which—

“(I) is borrowed by the taxpayer with respect to the activity of holding real property,

“(II) is secured by real property used in such activity, and

“(III) is borrowed by the taxpayer from a qualified person or represents a loan from any Federal, State, or local government or instrumentality thereof, or is guaranteed by any Federal, State, or local government.

“(iii) QUALIFIED SBIC FINANCING.—The term ‘qualified SBIC financing’ means any financing which—

“(I) is borrowed by a small business investment company (within the meaning of section 301 of the Small Business Investment Act of 1958), and